

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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28<sup>th</sup> HIGHLINE ASSOCIATES, LLC, :  
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 Plaintiff, :  
 :  
 - against - :  
 :  
 IAIN ROACHE, :  
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 Defendant. :  
 :  
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<b>USDC SDNY</b> <b>DOCUMENT</b> <b>ELECTRONICALLY FILED</b> DOC #: _____ DATE FILED: 9/23/2020
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18-cv-1468 (VSB) (KHP)

**ORDER**

VERNON S. BRODERICK, United States District Judge:

Before me is Magistrate Judge Katharine H. Parker's unchallenged Report and Recommendation on Plaintiff's motion for attorneys' fees, which recommends that plaintiff be awarded \$412,956.50 in attorneys' fees and \$53,625.46 in costs. (Doc. 86.) Because I find no clear error in Magistrate Judge Parker's thorough and well-reasoned Report and Recommendation, it is ADOPTED in its entirety.

On February 25, 2019, judgment was entered in favor of Plaintiff against Defendant. (Doc. 64.) Plaintiff then filed a motion for attorney's fees, (Doc. 65), accompanied by a memorandum of law, declaration, and exhibits, (Doc. 66–67). Defendant submitted a letter in opposition on May 20, 2019, (Doc. 72), and Plaintiff filed a memorandum of law, affirmation, and exhibits in reply on May 24, 2019. (Docs. 73–74.) I then referred the motion to Magistrate Judge Katharine H. Parker on June 1, 2019. (Doc. 76.)

Subsequently, Defendant requested a stay of this case pending his appeal to the Second Circuit, (Doc. 77), which Plaintiff opposed, (Doc. 78.) Magistrate Judge Parker denied Defendant's request for a stay but granted Defendant an extension of time to file a proper opposition to Plaintiffs' motion. (Doc. 80.) On July 11, 2019, Defendant submitted another

letter in opposition to Plaintiff's motion, (Doc. 81), and on July 18, 2019, Plaintiff submitted its second set of papers in reply, which included a memorandum of law, affirmation, and exhibits, (Docs. 82, 84).

On July 29, 2019, Magistrate Judge Parker issued her Report and Recommendation. (Doc. 86.) She recommended that Plaintiff's motion be granted and that Plaintiff be awarded \$412,956.50 in attorneys' fees and \$53,625.46 in costs. (*Id.* at 3.) Neither party filed an objection to the Report.

In reviewing a magistrate judge's report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Parties may raise specific, written objections to the report and recommendation within 14 days of being served with a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). When a party submits a timely objection, a district court reviews *de novo* the parts of the report and recommendation to which the party objected. 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3). When neither party submits an objection to a report and recommendation, or any portion thereof, a district court reviews the report and recommendation for clear error. *Santana v. Comm'r of Soc. Sec.*, No. 17-CV-2648 (VSB) (BCM), 2019 WL 2326214, at \*1 (S.D.N.Y. May 30, 2019); *Marte v. Berryhill*, No. 17-CV-3567 (VSB) (JLC), 2018 WL 5255170, at \*1 (S.D.N.Y. Oct. 22, 2018); *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008); *Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

Here, although the Report and Recommendation explicitly provided that "[t]he Plaintiff shall have fourteen days and the Defendant shall have seventeen days from the service of this Report and Recommendation to file written objections," (Doc. 86, at 16), neither party filed an

objection. I therefore reviewed Magistrate Judge Parker's thorough and well-reasoned Report and Recommendation for clear error and, after careful review, found none. Accordingly, I ADOPT the Report and Recommendation in its entirety, and Plaintiff's motion for attorney's fees, (Doc. 65) is GRANTED. Plaintiff is awarded \$412,956.50 in attorneys' fees and \$53,625.46 in costs.

The Clerk's Office is respectfully directed to terminate any open motions and to mail a copy of this Order to the pro se Defendant.

SO ORDERED.

Dated: September 23, 2020  
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written with a large, prominent "V" and "n". The last name "Broderick" is written with a large "B" and "r". The signature is positioned above the printed name and title.

Vernon S. Broderick  
United States District Judge